

CHAPTER 109
SPECIAL WASTE AUTHORIZATIONS

567—109.1(455B,455D) Purpose. The purpose of this chapter is to implement Iowa Code section 455B.304 and chapter 455D by providing rules for the disposal of special waste. The intent of these rules is to provide safe and proper management for disposal of special waste.

567—109.2(455B,455D) Special waste authorization required. No special wastes shall be delivered to or accepted by a municipal solid waste landfill unless disposal is authorized by a special waste authorization (SWA) issued by the department. Wastes for which an SWA has been issued shall be disposed of in accordance with the instructions, conditions, and limitations contained in the SWA. An SWA in effect on May 22, 2002, shall remain in effect until the SWA expires or until it is amended. Any amendment requests shall be handled under these rules.

567—109.3(455B,455D) Definitions.

“General special waste” means petroleum contaminated soil, asbestos-containing waste and other wastes that are explicitly listed in a landfill’s permit and included in a landfill’s special waste acceptance criteria (SWAC).

“Industrial process waste” means waste that is generated as a result of manufacturing activities, product processing or commercial activities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

“Municipal solid waste landfill” or *“MSWLF”* means a discrete area of land or an excavation that receives household waste, and that is not a land application site, surface impoundment, injection well, or waste pile, as those terms are defined under 40 CFR Part 257.2. An MSWLF may also receive other types of the federal Resource Conservation and Recovery Act (RCRA) Subtitle D wastes, such as commercial solid waste, nonhazardous dry sludge, and industrial solid waste. An MSWLF may be publicly or privately owned. An MSWLF may be a new MSWLF site, an existing MSWLF site, or a lateral expansion.

“Pollution control waste” means any solid waste residue extracted by, or resulting from, the operation of pollution control processes.

“Solid waste” is defined in Iowa Code section 455B.301.

“Special handling” means a specific procedure required for handling certain waste to protect the health and safety of employees, the public and the environment.

“Special waste” means any industrial process waste, pollution control waste, or toxic waste which presents a threat to human health or the environment or a waste with inherent properties which make the disposal of the waste in a sanitary landfill difficult to manage. Special waste does not include domestic, office, commercial, medical, or industrial waste that does not require special handling or limitations on its disposal. Special waste does not include hazardous wastes which are regulated under the federal Resource Conservation and Recovery Act (RCRA), hazardous waste as defined in Iowa Code section 455B.411, subsection 3, or hazardous wastes included in the list compiled in accordance with Iowa Code section 455B.464.

“Toxic waste” means material containing poisons, biocides, acids, caustics, pathological wastes, and similar harmful wastes which may require special handling and disposal procedures to protect the environment and the persons involved in the storage, transport, and disposal of the waste.

567—109.4(455B,455D) Types of special wastes. General special wastes are asbestos-containing material, petroleum contaminated soil and other wastes that are explicitly listed in a landfill's permit and included in the landfill's SWAC but do not require an SWA.

Those specific wastes that are not listed in a landfill's permit but are included in the landfill's SWAC will be called special waste.

567—109.5(455B,455D) Applications.

109.5(1) Generators of special waste shall make application for an SWA by submitting the form "Request for Special Waste Authorization" accompanied by supporting data as required by the department. Two copies shall be submitted to the department, and the department will forward one of the copies to the disposal site after the department review process is completed. The application shall include the following information when applicable:

- a. Appropriate chemical analysis of the waste,
- b. Physical form of the waste,
- c. Weight or volume of the waste,
- d. Material safety data sheet (MSDS) for the waste or for the materials from which the waste is generated, if applicable,
- e. Toxicity characteristic leaching procedure (TCLP) test results when appropriate, which show that none of the federal limits in 40 CFR Part 261 are exceeded, and
- f. Any other information requested by the department.

109.5(2) Additional requirements.

- a. The waste shall not contain free liquids as defined at 567—100.2(455B,455D). The point of compliance shall be the working face.
- b. The waste shall not be a listed hazardous waste or meet the criteria for characteristic hazardous waste pursuant to the federal Resource Conservation and Recovery Act (RCRA).
- c. Wastes with PCB concentrations equal to or greater than 50 ppm shall not be authorized for disposal at a landfill.
- d. Polynuclear aromatic hydrocarbon (PAH) (SW 846 Method 8270) contaminated soil shall not be authorized for disposal at a landfill if the total PAH level exceeds 1600 ppm for the following compounds: acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene or if the total carcinogenic PAH level exceeds 200 ppm for the following compounds: benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene or if the cyanide level exceeds 1,000 ppm.
- e. Special waste authorizations may be issued for a period not to exceed three years.

567—109.6(455B,455D) Restrictions.

109.6(1) The department may revoke an SWA for cause at any time. Such cause may include, but is not limited to, evidence that indicates that the characteristics of the authorized quality of the waste vary from the authorized values, evidence that the continued disposal of the waste as authorized may pose a threat to the public health or the environment, or failure to comply with any condition in the SWA or the landfill's SWAC.

109.6(2) The holder of an SWA must apply for a renewal at least 30 days prior to the expiration of the SWA.

109.6(3) The issuance of an SWA does not obligate any waste disposal facility to accept the waste nor does it preclude the facility from imposing conditions or restrictions other than those listed in the SWA.

109.6(4) The issuance of an SWA does not exempt the party disposing of the waste from any local, state, or federal laws or regulations.

567—109.7(455B,455D) Landfill responsibilities.

109.7(1) Any public or private municipal solid waste landfill that refuses any particular solid waste type for management or disposal must identify another waste management facility for that waste within the planning area. In the case of special waste, if no other waste management facility for that waste type exists within the planning area, the city or county, in cooperation with the waste generator, must establish or arrange access to one.

109.7(2) All municipal solid waste landfills shall submit special waste acceptance criteria to the department. The SWAC shall list the different kinds of special waste that each landfill (facility specific) will accept and the instructions for disposal for each of those wastes. The SWAC shall be submitted within 90 days after May 22, 2002. The SWAC shall be submitted on forms provided by the department.

109.7(3) Landfills are required to ensure that special wastes delivered to the facility conform to the SWAC on file with the department.

109.7(4) Each municipal solid waste landfill shall provide to the department, on a quarterly basis, a report of SWA activity including each SWA number and the quantities of waste disposed of during the reporting period. This information shall be submitted as part of the Quarterly Solid Waste Fee Schedule and Retained Fees Report, Form 542-3276.

567—109.8(455B,455D) Special waste generator responsibilities. Special waste generator responsibilities shall include, but are not limited to, the following:

109.8(1) Prior to submission of an SWA application, the generator shall adhere to the solid waste management hierarchy. Alternatives include volume reduction at the source; recycling and reuse, including composting and land application; and other approved techniques of solid waste management including, but not limited to, combustion with energy recovery and combustion for waste disposal. The generator shall include, as part of the SWA application, a description of the review of the alternatives to landfilling for each waste for which an SWA is requested. The description should detail to what extent the waste could be recycled, reduced or reused so that landfilling is not necessary.

109.8(2) The generator shall follow the guidelines for submission of an SWA application as given in 109.5(455B,455D).

109.8(3) The generator shall ensure that special waste coming into the landfill shall arrive as a separate load and not be commingled with any other waste.

109.8(4) The generator shall submit analytical results supporting an SWA at a frequency to be determined by the landfill.

109.8(5) After receiving an SWA, the generator must contact the designated landfill for instructions on delivering the waste and instructions for adhering to the landfill's SWAC.

109.8(6) The generator shall notify the department and landfill, prior to disposal, of any change in the characteristics of the special wastes being disposed.

109.8(7) Generators shall notify the landfill in writing when a one-time disposal under an SWA has been completed. This requirement is for one-time disposals only.

567—109.9(455B,455D) Infectious waste. Infectious waste which is generated and treated at a medical clinic, doctor's office, nursing care facility, health care facility, dentist's office or other similar facility may be placed with municipal solid waste and handled in a special way if it is rendered nonpathological, does not contain free liquids, and sharps are shredded, blunted, granulated, incinerated or mechanically destroyed. The generator of the infectious waste must notify the waste hauler and the sanitary landfill that infectious waste is being placed with the regular municipal solid waste and, with the notice, certify that the infectious waste is properly treated in accordance with the requirements of this rule.

567—190.10(455B,455D) Other special wastes.

109.10(1) *Radioactive waste.* Radioactive materials shall not be disposed of by a sanitary disposal project. Luminous timepieces are exempt.

109.10(2) *Sewage sludge.*

a. Sewage sludge, including unstabilized septic tank pumpings, shall not be disposed of in a sanitary landfill if it meets the criteria for Class I or II sewage sludge in 567—Chapter 67, except for use in daily, interim, or final cover according to the approved plan for the landfill. Class III sewage sludge may be disposed of at a sanitary landfill as provided in 567—Chapter 103.

b. Sewage sludge may be handled at processing facilities as provided in 567—Chapter 104.

c. Sewage sludge may be utilized for land application in accordance with 567—Chapter 67.

109.10(3) *Waste tires.* Pursuant to Iowa Code section 455D.11(2), land disposal of waste tires, as defined in 567—Chapter 117, is prohibited as of July 1, 1991, unless each tire is processed by, at a minimum, shredding, cutting or chopping each tire into pieces that are no longer than 18 inches on any side.

These rules are intended to implement Iowa Code section 455B.304.

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